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EXAMINER	
CRAIG, PAULA L	

ART UNIT	PAPER NUMBER
3761	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/525,764	TSUTSUI, KATSUSHI	
	Examiner	Art Unit	
	PAULA L. CRAIG	3761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 January 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18 and 20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18 and 20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. For Claims 1-3, 5-15, and 17-18, Applicant's arguments filed January 8, 2009 have been considered but are moot in view of the new grounds of rejection. For Claims 4, 16, and 20, Applicant's arguments filed January 8, 2009 have been fully considered but they are not persuasive. Applicant argues that neither Huffman '021 nor Harris '018 disclose the feature of a resilient body which is fixed and directly adhered at least to the absorbent in a center region in a lateral direction of the product, or the feature of the resilient body being offset and spaced from a center of the absorptive product in the longitudinal direction. Huffman teaches a resilient body which is fixed at least to the absorbent in a center region in a lateral direction of the product (resilient body includes elastic members 330 and 533; Figs. 1-15, col. 7, line 7 to col. 8, line 64, col. 9, line 46 to col. 12, line 39, Claims 1, 8-9). Huffman teaches that the manner in which the resilient body is secured within the diaper structure can be widely varied (col. 8, lines 25). Huffman teaches the resilient body 533 being directly adhered to back sheet 28 and located between back sheet 28 and the absorbent 514, in contact with the absorbent 514 (Figs. 8, 12-14, col. 7, line 7 to col. 8, line 64, col. 10, lines 7-25, col. 11, line 3 to col. 12, line 39). It is well known in the art for a resilient body which is located between two surfaces to be directly adhered to each of the two surfaces. Harris confirms this and teaches an absorptive product having a resilient body which is located between two surfaces and directly adhered to each of the two surfaces (Figs. 10-11, paragraphs 2, 5,

14-16, 33, Claims 19-22). Harris teaches that this helps to minimize the adhesive used for a given bond strength (paragraph 9). It would therefore have been obvious to one of ordinary skill in the art to modify Huffman to include the resilient body being directly adhered to both of the surfaces, as taught by Harris, to minimize the adhesive used for a given bond strength, as taught by Harris.

2. Huffman teaches the resilient body being offset in the longitudinal direction, as well as the resilient body having a suitable length (Figs. 1-2a, 6, 9, 12, col. 10, lines 1-25, col. 12, lines 9-32). The length of the resilient body and its spacing from the center is a result effective variable, since it affects the ability of the area affected by the resilient body to enter the gluteal groove. The discovery of an optimum value of a result effective variable is ordinarily within the ordinary skill in the art. See *In re Boesch and Slaney,* 205 USPQ 215 (CCPA 1980).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 1-3, 5, 8-12, 15, and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huffman (U.S. 4,935,021) in view of U.S. Patent No. 5,514,104 to Cole et al.

5. For Claim 1, Huffman teaches an absorptive product that is elongate in a longitudinal direction and has a surface side configured for contact with a body (Abstract, Figs. 1-15, col. 1, lines 5-12, col. 2, lines 5-36, col. 4, line 57 to col. 5, line 5). A back sheet has a shape elongated in one direction and prevents the permeation of liquid (back sheet includes backing layer 16 and barrier layer 28; Figs. 1-15, col. 6, lines 7-49, Claims 1-2). Huffman teaches a liquid permeable surface material which is arranged on the surface side configured for contact with a body (surface material includes facing layer 12, Figs. 1-15, col. 5, lines 1-52, Claim 1). An absorbent is arranged between the back sheet and the surface material and is capable of absorbing and holding a liquid which permeates the surface material (absorbent includes panel sections 314, 414 and 514; Figs. 1-15, col. 5, lines 53-68, col. 9, line 46 to col. 12, line 39, Claims 1, 7, 9). Huffman teaches a resilient body which is fixed at least to the absorbent in a center region in a lateral direction of the product and imparts a contracting force to the absorbent with respect to the longitudinal direction (resilient body includes elastic members 330, 430, 530, and 533; Figs. 1-15, col. 7, line 7 to col. 8, line 64, col. 9, line 46 to col. 12, line 39, Claims 1, 8-9). Slits are formed in the absorbent in a region on which the contracting force of the resilient body acts, with the

slits in the absorbent extending substantially co-extensively with and adjacent to the resilient body (slits include slits 115 and the spaces between panel sections 414 and 514; Figs. 1-15, col. 8, lines 53-64, col. 9, line 46 to col. 12, line 39, Claims 1, 7, 9). Huffman teaches a deformed portion located in both the absorbent and the resilient body, the deformed portion being a substantially V-shaped portion of the absorbent and the resilient body as viewed in the longitudinal direction, and the resilient body being arranged such that the resilient body imparts the contracting force to the absorbent mainly along the longitudinal direction of the product (Figs. 2a, 8-15, col. 9, line 25 to col. 12, line 39, Claim 1). The resilient body is formed in a region only at a single end of the longitudinal direction of the absorptive product (resilient body includes elastic members 330, 430, 530, and 533; Figs. 1-2, 6, 9, 12, col. 10, lines 1-6, col. 12, lines 9-32, Claim 1). Huffman teaches that a variety of well known absorbent structures may be used (col. 5, lines 53-68). Huffman does not teach the absorbent having a protrusion portion defined by a channel emboss portion, or the resilient body being spaced from the channel emboss portion. However, absorbent portions having a protrusion portion defined by a channel emboss portion are well known in the art. Cole confirms this and teaches an absorptive product having an absorbent with a protrusion portion defined by a channel emboss portion (embossed pattern 120 forms channel emboss portions; protrusion portions are located between the embossments; Abstract, Figs. 1-15C, col. 1, lines 5-22, col. 2, lines 36-44, col. 4, line 52 to col. 5, line 17, Claims 1, 4-5). Cole teaches that the channel emboss portions spread liquid a further distance and improve the removal of urine and other fluids from the discharge zone (Abstract, Figs. 1-15C,

col. 2, lines 36-44). In light of Huffman's teaching that a variety of well known absorbent structures may be used, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Huffman to include the absorbent having a protrusion portion defined by a channel emboss portion, as taught by Cole, to spread liquid a further distance and improve the removal of urine and other fluids from the discharge zone, as taught by Cole. Embossing the absorbent of Huffman in the manner disclosed by Cole would result in at least one channel embossed portion which is spaced from the entire resilient body.

6. For Claim 8, Huffman teaches an absorptive product that is elongate in a longitudinal direction and has a surface side configured for contact with a body (Abstract, Figs. 1-15, col. 1, lines 5-12, col. 2, lines 5-36, col. 4, line 57 to col. 5, line 5). A back sheet has a shape elongated in one direction and prevents the permeation of liquid (back sheet includes backing layer 16 and barrier layer 28; Figs. 1-15, col. 6, lines 7-49, Claims 1-2). Huffman teaches a liquid permeable surface material which is arranged on the surface side configured for contact with a body (surface material includes facing layer 12, Figs. 1-15, col. 5, lines 1-52, Claim 1). An absorbent is arranged between the back sheet and the surface material and is capable of absorbing and holding a liquid which permeates the surface material (absorbent includes panel sections 314, 414 and 514; Figs. 1-15, col. 5, lines 53-68, col. 9, line 46 to col. 12, line 39, Claims 1, 7, 9). Huffman teaches a resilient body which is fixed at least to the absorbent in a center region in a lateral direction of the product and formed in a region only at a single end of the longitudinal direction of the absorptive product, the resilient

body configured to impart a contracting force to the absorbent with respect to the longitudinal direction (resilient body includes elastic members 330, 430, 530, and 533; Figs. 1-15, col. 7, line 7 to col. 8, line 64, col. 9, line 46 to col. 12, line 39, Claims 1, 8-9). Slits are formed in the absorbent in a region on which the contracting force of the resilient body acts, with the slits in the absorbent extending substantially co-extensively with and adjacent to the resilient body (slits include slits 115 and spaces between panel sections 414 and 514; Figs. 1-15, col. 8, lines 53-64, col. 9, line 46 to col. 12, line 39, Claims 1, 7, 9). Huffman teaches a deformed portion located in both the absorbent and the resilient body, the deformed portion being a substantially V-shaped portion of the absorbent and the resilient body as viewed in the longitudinal direction (Figs. 2a, 8-15, col. 9, line 25 to col. 12, line 39, Claim 1). Huffman teaches that a variety of well known absorbent structures may be used (col. 5, lines 53-68). Huffman does not teach the absorbent having a protrusion portion defined by a channel emboss portion, or the resilient body being spaced from the channel emboss portion. However, absorbent portions having a protrusion portion defined by a channel emboss portion are well known in the art. Cole confirms this and teaches an absorptive product having an absorbent with a protrusion portion defined by a channel emboss portion (embossed pattern 120 forms channel emboss portions; protrusion portions are located between the embossments; Abstract, Figs. 1-15C, col. 1, lines 5-22, col. 2, lines 36-44, col. 4, line 52 to col. 5, line 17, Claims 1, 4-5). Cole teaches that the channel emboss portions spread liquid a further distance and improve the removal of urine and other fluids from the discharge zone (Abstract, Figs. 1-15C, col. 2, lines 36-44). In light of Huffman's

teaching that a variety of well known absorbent structures may be used, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Huffman to include the absorbent having a protrusion portion defined by a channel emboss portion, as taught by Cole, to spread liquid a further distance and improve the removal of urine and other fluids from the discharge zone, as taught by Cole. Embossing the absorbent of Huffman in the manner disclosed by Cole would result in at least one channel embossed portion which is spaced from the entire resilient body.

7. For Claim 2, Huffman teaches the resilient body including two laterally spaced sides, and the slits being respectively arranged adjacent each of the laterally spaced sides with respect to the resilient body (resilient body includes elastic members 330, 430, 530, and 533; slits include slits 115 and the spaces between panel sections 414 and 514; Figs. 1-15, col. 7, line 22 to col. 8, line 64, col. 9, line 46 to col. 12, line 39, Claims 1, 7-9).

8. For Claims 3 and 10, Huffman teaches the slits having longitudinal end sides parted away from the resilient body (slits 115 on either side of elastic member 330 have longitudinal end sides parted away from elastic member 330; Fig. 3, col. 8, lines 53-64, col. 9, line 46 to col. 12, line 39, Claims 1, 7, 9).

9. For Claims 5 and 12, Huffman teaches the resilient body being formed of a film-like resilient body having a given width which imparts a contracting force mainly in the longitudinal direction (col. 7, line 7 to col. 8, line 25).

10. For Claim 9, Huffman teaches the resilient body being arranged such that the resilient body imparts the contracting force to the absorbent mainly along the

longitudinal direction of the product, the resilient body including two laterally spaced sides, and the slits are respectively arranged adjacent each of the laterally spaced sides with respect to the resilient body (resilient body includes elastic members 330, 430, 530, and 533; slits include slits 115 and spaces between panel sections 414 and 514; Figs. 1-15, col. 7, line 7 to col. 8, line 64, col. 9, line 46 to col. 12, line 39, Claims 1, 8-9).

11. For Claims 15 and 17, Huffman teaches a plurality of slits located on a first side of a longitudinal axis of the resilient body and a plurality of slits located on a second side of the longitudinal axis of the resilient body, the second side of the longitudinal axis being opposed to the first side of the longitudinal axis (slits include slits 115 and the spaces between panel sections 414 and 514; Figs. 1-15, col. 8, lines 53-64, col. 9, line 46 to col. 12, line 39, Claims 1, 7, 9).

12. For Claim 11, Huffman teaches a first slit formed on a first side of the resilient body and a second slit formed on an opposite side of the resilient body and the first slit has a center portion in the longitudinal direction arranged close to the second slit and other portions gradually parted away from the second slit (first and second slits include slits 115 on either side of elastic member 330; Fig. 3, col. 8, lines 53-64, col. 9, line 46 to col. 12, line 39, Claims 1, 7, 9). Huffman teaches slits which extend through an entire thickness of the absorbent (slits include the spaces between panel sections 414 and 514; Figs. 1-15, col. 8, lines 53-64, col. 9, line 46 to col. 12, line 39, Claims 1, 7, 9). Huffman does not expressly teach the first and second slits extending through an entire thickness of the absorbent. In light of Huffman's teaching of slits which extend through an entire thickness of the absorbent, it would have been obvious to one of ordinary skill

in the art at the time of the invention to modify Huffman to include the first and second slits extending through an entire thickness of the absorbent.

13. For Claim 18, Huffman teaches an opposing end of the absorptive product being opposed to the one end and entirely constructed of a material that is less resilient than the resilient body of the one end (resilient body includes elastic members 330, 430, 530, and 533; Figs. 1-15, col. 5, lines 53-68, col. 7, line 7 to col. 8, line 64, col. 9, line 46 to col. 12, line 39, Claims 1, 8-9).

14. The rejections of Claims 4, 16, and 20 under 35 U.S.C. 103(a) as being unpatentable over Huffman in view of Harris (U.S. 2003/0173018) are maintained.

15. For Claim 4, Huffman teaches an absorptive product that is elongate in a longitudinal direction and has a surface side configured for contact with a body (Abstract, Figs. 1-15, col. 1, lines 5-12, col. 2, lines 5-36, col. 4, line 57 to col. 5, line 5). A back sheet has a shape elongated in one direction and prevents the permeation of liquid (back sheet includes backing layer 16 and barrier layer 28; Figs. 1-15, col. 6, lines 7-49, Claims 1-2). Huffman teaches a liquid permeable surface material which is arranged on the surface side configured for contact with a body (surface material includes facing layer 12, Figs. 1-15, col. 5, lines 1-52, Claim 1). An absorbent is arranged between the back sheet and the surface material and is capable of absorbing and holding a liquid which permeates the surface material (absorbent includes panel sections 314, 414 and 514; Figs. 1-15, col. 5, lines 53-68, col. 9, line 46 to col. 12, line 39, Claims 1, 7, 9). Huffman teaches a resilient body which is fixed at least to the absorbent in a center region in a lateral direction of the product and imparts a

contracting force to the absorbent with respect to the longitudinal direction (resilient body includes elastic members 330 and 533; Figs. 1-15, col. 7, line 7 to col. 8, line 64, col. 9, line 46 to col. 12, line 39, Claims 1, 8-9). Huffman teaches that the manner in which the resilient body is secured within the diaper structure can be widely varied (col. 8, lines 25). Huffman teaches the resilient body 533 being directly adhered to back sheet 28 and located between back sheet 28 and the absorbent 514, in contact with the absorbent 514 (Figs. 8, 12-14, col. 7, line 7 to col. 8, line 64, col. 10, lines 7-25, col. 11, line 3 to col. 12, line 39). Huffman teaches slits formed in the absorbent in a region on which the contracting force of the resilient body acts, with the slits in the absorbent extending through the entire thickness of the absorbent (slits include the spaces between panel sections 414 and 514; Figs. 1-15, col. 8, lines 53-64, col. 9, line 46 to col. 12, line 39, Claims 1, 7, 9). Huffman teaches slits formed adjacent both sides of the resilient body such that a first slit is formed on a first side of the resilient body and a second slit is formed on an opposite side of the resilient body, the first slit having a center portion in the longitudinal direction arranged close to the second slit and other portions gradually parted away from the second slit (first and second slits include slits 115 on either side of elastic member 330; Fig. 3, col. 8, lines 53-64, col. 9, line 46 to col. 12, line 39, Claims 1, 7, 9). Huffman teaches the resilient body being offset from a center of the absorptive product in the longitudinal direction, and the resilient body having a suitable length (Figs. 1-2a, 6, 9, 12, col. 10, lines 1-25, col. 12, lines 9-32). Huffman does not expressly teach the first and second slits extending through an entire thickness of the absorbent. In light of Huffman's teaching of slits which extend through

an entire thickness of the absorbent, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Huffman to include the first and second slits extending through an entire thickness of the absorbent. Huffman also does not expressly teach the resilient body being directly adhered to the absorbent. However, it is well known in the art for a resilient body which is located between two surfaces to be directly adhered to each of the two surfaces. Harris confirms this and teaches an absorptive product having a resilient body which is located between two surfaces and directly adhered to each of the two surfaces (Figs. 10-11, paragraphs 2, 5, 14-16, 33, Claims 19-22). Harris teaches that this helps to minimize the adhesive used for a given bond strength (paragraph 9). In light of Huffman's teaching that the manner in which the resilient body is secured can be widely varied, and of the resilient body being located between two surfaces and directly adhered at least to one of the surfaces, it would have been obvious to one of ordinary skill in the art to modify Huffman to include the resilient body being directly adhered to both of the surfaces, as taught by Harris, to minimize the adhesive used for a given bond strength, as taught by Harris. Huffman does not expressly teach the resilient body being spaced from a center of the absorptive product in the longitudinal direction. The length of the resilient body and its spacing from the center is a result effective variable, since it affects the ability of the area affected by the resilient body to enter the gluteal groove. The discovery of an optimum value of a result effective variable is ordinarily within the ordinary skill in the art. See *In re Boesch and Slaney,* 205 USPQ 215 (CCPA 1980).

16. For Claim 16, Huffman teaches a plurality of slits located on a first side of a longitudinal axis of the resilient body and a plurality of slits located on a second side of the longitudinal axis of the resilient body, the second side of the longitudinal axis being opposed to the first side of the longitudinal axis (slits include slits 115 and the spaces between panel sections 414 and 514; Figs. 1-15, col. 8, lines 53-64, col. 9, line 46 to col. 12, line 39, Claims 1, 7, 9).

17. For Claim 20, Huffman teaches the resilient body being located between two surfaces and directly adhered to one of the surfaces, as described above for Claim 4 in paragraph 15. Huffman does not teach the resilient body being directly adhered to the absorbent via a laminated portion. However, it is well known in the art for a resilient body which is located between two surfaces to be directly adhered via a laminated portion to each of the two surfaces. Harris teaches direct adhesion of a resilient body via a laminated portion to the surfaces between which it is located (Figs. 10-11, paragraphs 2, 5, 14-16, 33, Claims 19-22). It would have been obvious to one of ordinary skill in the art to modify Huffman to include the resilient body being directly adhered via a laminated portion to both of the surfaces, as taught by Harris, for the same reasons as described above for Claim 4 in paragraph 15.

18. Claims 6-7 and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huffman in view of Cole and further in view of Pieniak (U.S. 4,573,988).

19. For Claims 6 and 13, Huffman/Cole teach all the limitations of Claims 1 and 8, as described above in paragraphs 5-6. Huffman teaches the absorbent having a suitable

absorbent structure, such as the composite absorbent structure disclosed in Pieniak (col. 5, lines 53-68). Huffman teaches slits in the absorbent layer, with the resilient body being fixed to the absorbent layer (slits include slits 115 and the spaces between panel sections 414 and 514; resilient body includes elastic members 330, 430, 530, and 533; Figs. 1-15, col. 7, line 7 to col. 8, line 64, col. 9, line 46 to col. 12, line 39, Claims 1, 7-9). Huffman does not expressly teach the absorbent being formed by stacking first and second absorbent layers with the second absorbent layer having a higher liquid holding property than the first absorbent layer. However, stacking of first and second absorbent layers with different liquid holding properties is well known in the art. Pieniak confirms this and teaches a composite absorbent formed by stacking a first absorbent layer having high liquid diffusivity and a second absorbent layer having higher liquid holding property as compared to a liquid holding property of the first absorbent layer (first absorbent layer includes wicking layer 14; second absorbent layer includes absorbing layer 12; Abstract, Figs. 1-5, col. 3, line 20 to col. 4, line 52, col. 5, line 12 to col. 6, line 36). Pieniak teaches that this arrangement provides for a thin, absorbent structure that distributes fluid well (col. 3, line 3 to col. 4, line 52, col. 5, line 57 to col. 6, line 36). In light of Huffman's teaching that the absorbent structure of Pieniak may be used, it would have been obvious to one of ordinary skill in the art to modify Huffman to include stacking first and second absorbent layers with the second absorbent layer having a higher liquid holding property than the first absorbent layer, as taught by Pieniak, to provide a thin, absorbent structure that distributes fluid well, as taught by Pieniak.

20. For Claims 7 and 14, Huffman teaches a notched portion being formed in the absorbent layer corresponding to a position where the resilient body is formed (resilient body includes elastic members 330, 430, 530, and 533; Figs. 1-15, col. 7, line 7 to col. 8, line 64, col. 9, line 46 to col. 12, line 39, Claims 1, 7-9). Huffman does not teach first and second absorbent layers. Pieniak teaches first and second absorbent layers, as described above for Claim 13 in paragraph 19. In light of Huffman's teaching that the absorbent structure of Pieniak may be used, it would have been obvious to one of ordinary skill in the art to modify Huffman to include first and second absorbent layers, for the same reasons as described above for Claim 13 in paragraph 19.

Conclusion

21. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAULA L. CRAIG whose telephone number is (571)272-5964. The examiner can normally be reached on M-F 8:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on (571) 272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tatyana Zalukaeva/
Supervisory Patent Examiner, Art Unit 3761

/Paula L Craig/

Paula L Craig
Examiner
Art Unit 3761